IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 5888 OF 2005

1. I1bal Babamia Gote.
2. Dilbar Adam Ghare. ... Applicants.

Versus.

State of Maharashtra. ... Respondent.

Shri N.N.Gawankar with Shri Arfan Sait for the Applicants.

Shri A.S.Gadkari, A.P.P. for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 14th Sept., 2005.

P.C.:

1. Heard the learned Advocate for the Applicants and the learned A.P.P. for the State. The offence alleged against the Applicants and co-accused is under sections 320, 201 read with section 34 of the Indian Penal Code.

2. The prayer for bail is made both on merits as well as on the ground of parity on the basis of the order dated 29th August 2005 passed by this Court in Criminal Application No.5216 of 2005.

3. The learned A.P.P. after examining the material collected by the Police during investigation and after considering order dated 29th August 2005 stated that the case of the Applicant is not different from the Applicants who were ordered to be enlarged on bail by order dated 29th August 2005.

4. After having perused the order dated 29th August 2005 and after considering the case made out by the Applicants, it is apparent that the Applicants are entitled to be enlarged on bail by the reason of parity especially in view of what is observed in paragraphs 4 and 5 of the said order. In case of the present Applicants also there are no criminal antecedents brought on record.

5. Hence the following order is passed:

(i) The Applicants shall be enlarged on bail in connection with C.R.No.56 of 2005 of Chiplun Police Station, subject to furnishing a personal bond of Rs.15,000/- each with one or two sureties in the like amount.

(ii) The Bail is granted subject to condition that till the conclusion of the trial, the Applicants shall not enter the area falling within jurisdiction of Chiplun Police Station, District Ratnagiri. The order will be given effect only after the Applicants furnish to the Investigating officer the complete address of place where the Applicants propose to stay after they are enlarged on bail.

(iii) The Bail is granted subject to condition that the Applicants will report to the concerned local Police Station once in a week till the conclusion of the trial.

(iv) The Bail is granted subject to condition that the Applicants shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

(v) The Applicants shall cooperate with the learned trial Judge for expeditious disposal of the trial. Any attempt by the Applicants to delay the trial may be a ground for cancellation of bail.

(vi) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

(vii) Application is disposed of in the above terms.

(viii) The parties to act upon an authenticated copy of this order.

Judge.